Remarks/Arguments

The Office Action mailed June 2, 2009 has been reviewed and carefully considered.

Claims 1, 6 and 9 have been amended. Claims 1-9 are now pending in this application. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

More specifically, claims 1 and 9 have been amended to clarify the use of reference images for detecting the orientation of other images. In this respect, claims 1 and 9 have been amended to clarify that the orientation of the reference image is known prior to the orientation detecting step (i.e., "a priori"). Support for this amendment can be found in paragraph 0038 of the published application. No new matter has been added.

Claims 1 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,077,811 (*Onda*). In asserting this rejection and applying Onda for the second time, the Examiner considers the "set of images" of Onda to include images and characters, where the images are one subset and the characters are another subset of images, and each of the images in the subset of images represents at least one similar object (citing that the characters represent one similar object, character in the alphabet).

As understood, the method of Onda discloses that a set of characters is prerecorded (e.g., in a database) and the detection of the orientation of images containing these characters is based on the comparison with these pre-recorded characters. It is respectfully submitted that this is not what the present invention claims. The present invention claims that a reference images is chosen among a plurality of images whose orientation is to be detected. The reference image has an orientation that is known prior to the orientation detection. This is a complete departure from the teachings of Onda which requires pre-recorded characters and which do not use one of the images of the set of images to perform the orientation detection of the other images. Onda uses the pre-recorded characters for detecting the orientation of a new image. It is therefore respectfully submitted that Onda fails to disclose or suggest the choosing of a reference image in each set of images from among the set of images whose orientation is know a priori.

For a claim to be anticipated under 35 U.S.C. §102, all elements of the claim must be found in a single prior art reference (see, e.g., Scripps Clinic & Research Found. V. Genentech Inc., 927 F. 2d 1565. 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed Cir. 1991)). The identical invention must be shown in as complete detail is in contained in the claim. (See MPEP 2131). The single prior art reference must disclose all of the elements of the claimed invention functioning in essentially the same manner (see, e.g., Chanklin Corp. v. Springfield Photo Mount Corp., 521 F.2d 609 (1st Cir. 1975). In view of the distinction discussed above, applicant respectfully submits that *Onda* fails to meet these requirements under 102, and therefore cannot anticipate applicant's claimed invention.

Furthermore, it is respectfully asserted that Onda, taken singly or in combination with any other of the cited references, fails to disclose or suggest that the reference image orientation is known prior to the orientation detection of other images, and that the orientation detection of the other images is based on the previously known orientation of this reference image. Reconsideration and withdrawal of the rejection and early allowance on the merits is respectfully requested.

Claims 2 through 8 are rejected under 35.U.S.C. §103(a) as being unpatentable over *Onda* in view of *Chiba et al* (U.S patent Number 6,744,537). Chiba has been cited for various teachings, but for the teachings relied upon in the *Onda* patent. As described above, the Applicant respectfully submits that the primary reference to *Onda* absolutely fails to teach the Applicant's claims 1 and 9. As such and for at least the reasons recited above with respect to claim 1, Applicant respectfully submits that at least because *Onda* absolutely fails to teach, suggest or make obvious at least the Applicant's claim 1, the combination of Onda with the teachings of Chiba et al. clearly fails to teach, suggest or make obvious the Applicant' claims 2-8, which depend either directly or indirectly from the Applicant's claim 1 and recite addition features thereof. For the same reasons, dependent claims 2-8 are also patentable. Reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. **07-0832.**

Respectfully submitted,
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